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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000041

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E.O. 12958: DECL: 01/10/2018

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SUBJECT: CIRQUE DE MICHELETTI: THINGS GET OUT OF HAND IN
HONDURAN CONGRESS AS ELECTORAL REFORM VETO IS OVERRIDDEN

REF: A. 07 TEGUCIGALPA 1945

[1](#)B. 07 TEGUCIGALPA 1915

Classified By: Charge d'affaires a.i., James Williard

[1](#)1. (C) Summary. Both the Constitutional Court and the plenary of the Supreme Court returned a decision of "not unconstitutional" in regards to the electoral reforms vetoed January 8 by President Manuel "Mel" Zelaya. This allowed President of Congress Roberto Micheletti to call for an override vote. Micheletti presented it orally, without warning, quickly took a show of hands, and announced the override was successful and the reforms re-affirmed. Some members of Congress felt they had not been listened to and even "tricked," and started yelling and blowing whistles. Someone threw a whistle at Micheletti, who then used it to try to regain order. Zelaya was furious, and threatened not to publish the law in the National Gazette. The unanimous Supreme Court ruling and the decisive Congressional action demonstrated unusual institutional strength against an overbearing executive. However, the failure to hold a roll call vote also revealed a lack of democratic process in the newly empowered Congress. End Summary.

[1](#)2. (C) On January 8, President Manuel "Mel" Zelaya announced his veto of the electoral reform package passed by Congress (ref a) based on his determination that the reforms were unconstitutional. (Zelaya's real motivation, however, may have been political as he seeks to influence the nomination of the next president.) The reforms were then sent to the Constitutional Court of the Supreme Court for consideration. The five magistrates came to a decision almost immediately, but because of the high profile nature of the question, Chief Justice Vilma Morales decided to refer the case to the entire Supreme Court plenary. Magistrate Marlina Dulbon, wife of Minister of the Presidency Enrique Flores Lanza, immediately recused herself and a substitute was named. (Note: After being the only person to vote against President of the Congress Micheletti on the issue of whether he should be allowed to run for President, it is said that Dulbon did not want to be the only one standing against the rest of the Court in another fourteen to one decision. See ref b. End note.) After about 24 hours of consideration, on January 10, the full Supreme Court returned a unanimous opinion of "not unconstitutional" in regards to the electoral reforms.

13. (SBU) The Supreme Court vote then allowed Micheletti to take the reforms to the floor of the Congress to override the veto. Since the reforms were found to be constitutional, there was no need to examine the substance of the reforms, but simply vote on the veto issue. Micheletti reportedly asked for a show of hands of those opposed to the override, quickly counted the hands and announced that override had been successful. He then asked for a show of hands of those in favor of the reforms, and announced that the reforms had been re-affirmed. There was no roll call vote, and no official record of what transpired. However, television pictures showed overwhelming support to override the veto. The unofficial counts were 103 votes in favor of the override, 25 against, although Cesar Ham of the radical left Democratic Union party (UD) claimed that 40 people raised their hands against the override. As reported in the press, those who voted against included all five members of the UD, the two Innovation and Social Democratic Union Party (PINU) members, one Christian Democrat, eight National Party members and nine Liberal Party members. Doris Gutierrez and Cesar Ham of the UD told PolCouns they had asked for permission to speak by pushing the appropriate button, but were not allowed to give their opinions. Many members of Congress were upset by not being allowed to talk, and some even felt "tricked" by Micheletti, so they began to yell and blow whistles. Some observers reported that protesters (who may have been paid government workers) had taken over the balcony and were yelling and throwing things. An unknown person threw a whistle at Micheletti, who then used it to try to maintain order, all of which just added to the "circus" atmosphere at the Congress. Micheletti maintains that this was not a vote on the reforms, nor of the constitutionality of the reforms, but a simple "yes" or "no" on the veto override. Thus no

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discussion period was required in his opinion.

14. (C) Following the news that the veto had been overridden, Zelaya announced that he would not publish the law in the National Gazette, and that he would lodge a complaint of unconstitutionality against the Congress for the way in which the process was handled. He also threatened to take his fight "to the streets." Micheletti was not concerned by Zelaya's threats; he had told the Ambassador on January 7 that if the President refused to print the reforms in the Gazette, the Congress would pay to publish them in every Honduran paper -- something that congressional leaders say is perfectly legal.

15. (C) Comment: On January 9, after meeting with Zelaya, National Party Presidential hopeful Mario Canahuati announced that he and his followers would break with the National party leadership and vote against the veto override. Talk around town was that Zelaya had promised him something very important in return. To support this theory, in a meeting with the Ambassador in late December 2007, Zelaya said that his "second choice" for President was Nationalist Canahuati. Perhaps Canahuati's threat seriously worried Micheletti, who decided to rush the override through as quickly as possible, without considering how it looked to the public or the rest of the Members of Congress. This earned the outrage of Zelaya, who called Micheletti an authoritarian. In our calculations, supported by both Ham and Gutierrez, Micheletti had enough votes to override in an orderly fashion through an official roll call, but instead he rammed it through without considering the consequences. The most concerning of this whole scenario, however, is that the tensions between the executive and the legislative have grown to a precarious level, and other important legislative business (approval of the budget, telecom reform law, police law) is being held hostage to these political power struggles. Both sides openly discarded the accepted democratic rules of the game when they believed their interests were in danger. There is talk about going to a referendum (although the mechanism for doing so is not established) and Zelaya appears poised to try to rally his groups of "Poder Ciudadano" and create chaos in

the streets. A presidential veto in Honduras is a rare occurrence, and a veto override is almost unheard of. For the Supreme Court to act so quickly against the executive is also startling. Unfortunately, the respect that many Hondurans might have had for this new-found institutional independence may be lost by the forceful manner in which Congress acted. End Comment.

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